

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Final Office Action mailed on December 16, 2003, and the references cited therewith.

Claims 1-3, 10, 11, 15, 17, 21, 24, 29, 38, and 44 are amended to more clearly recite the claimed subject matter. No claims are added. Claims 1-36, 38, 39, and 41-47 are pending in this application.

Applicant respectfully submits that no new matter was added in amended claims 1-3, 10, 11, 15, 17, 21, 24, 29, 38, and 44, and that the specification supports the amendments.

Change of Correspondence Address

Applicant respectfully requests the Examiner's assistance with the updating of the correspondence address. Previously, a change of correspondence address was filed. However, the Final Office Action mailed December 16, 2003 was inadvertently sent to the previous address. Perhaps, this was updated in PAIR but not PALM or vice versa? Please ensure that all future correspondence is address to Devon A. Rolf, Esq. c/o GARMIN International, Inc., 1200 East 151st Street, Olathe, KS 66062.

Information Disclosure Statement

Applicant respectfully requests that a copy of the 1449 Form, listing all references that were submitted with the Information Disclosure Statement filed on November 18, 2003, marked as being considered and initialled by the Examiner, be returned with the next official communication.

§102 Rejection of the Claims

Claims 1-29, 38-39, 41-43, and 45-47

Claims 1-29, 38-39, 41-43, and 45-47 were rejected under 35 USC § 102(e) as being anticipated by Ran (U.S. Patent No. 6,317,686). Applicant addresses the rejections as follows.

Claim 1

Applicant amended claim 1 to more clearly recite the claimed subject matter. Insofar as the rejection applies to claim 1, as amended, Applicant respectfully traverses the rejection as follows.

Applicant's independent claim 1 recites a method of using a Personal Digital Assistant (PDA) to provide travel expenses for an expense report that includes, besides other things, monitoring travel by the PDA and recording track log data points in the PDA that represent the PDA travel.

From Applicant's review, it appears Ran provides an:

"Internet-based traffic prediction system has a data processing and fusion server 5, a traffic forecast server 6, and a data feed server 7. The data processing and fusion server 5 uses wireline or wireless internet 4 and communications network to retrieve static data 1, historical data 2, and real-time data 3. With the input databases from the data processing and fusion server 5, the traffic forecast server 6, uses one or a plurality of traffic prediction models 8 to generate predicted speeds and travel times 9 for a route segment network."

(Col. 17, lines 7-16).

Ran indicates that "[t]he predicted speeds and travel times 9 are then used to produce various types of customized traffic forecast products, including . . . point-to-point text report and alert 11 . . ." (Col. 17, lines 17-19). The "customized traffic forecast products and data services are then sent to users via various types of devices . . . [that] include [a] . . . PDA 16" (Col. 17, lines 25-28).

According to Ran, "static data 1", "historical data 2", and "real-time data 3" are retrieved by the data processing and fusion server 5 (Col. 17, lines 7-16). Ran indicates that "static databases 21" (used to acquire the "static data") are "typically available from map database vendors and government agencies" and are "typically updated quarterly or monthly" (col. 17, lines 35-47). Ran indicates that "historical and time dependent databases 25" (used to acquire the "historical data") are "generated mainly based on the input of data collection organizations and government agencies 26, and are updated daily or weekly or monthly, depending on the data availability at different locations" (Col. 17, lines 48-63). Finally, the "real-time databases 210 [used to acquire the "real-time data 3"] comprise seven major

databases . . . [that] are typically updated in intervals of a minute or a plurality of minutes by retrieving data from various sources via wireline or wireless Internet 4 . . . [recited to be] typically provided by traffic reporting services, agencies and field data collectors 211 . . . [whereas] [t]he real-time travel speed and travel time 28 data are directly measured using field devices 212, such as detectors and sensors, or provided by probe vehicles 212" (Col. 17, line 64 –Col. 18, line 10). So, according to Ran the "PDA 16" is only being used to receive the "customized traffic forecast products and data services" prepared by the "Internet-based traffic prediction system."

So, Ran does not monitor the actual travel of a PDA, but rather uses information collected from sensors that generally sense the flow of traffic on a variety of traffic arteries. Specifically, the reference states that:

real-time travel speed and travel time 28 data are directly measured using field devices 212, such as [detectors] (see col. 18, beginning at line 32.) and sensors, or provided by probe vehicles 212. (col. 18, beginning at line 8.)

This statement indicates that the data taken is not data from the user's vehicle, but for general traffic flow as a whole. Additionally, the reference does not record a track log of data points that represent the PDA travel, but appears to use historical data provided from a third party source to make traffic predictions. Specifically, the reference states:

The travel information systems are based on the availability of reliable computer-based maps and the availability of traffic data, available over the Internet, which are typically supplied by each state's Department of Transportation. Internet provided data includes real-time velocities and the number of vehicles per minute travelling selected roads. Over time such data can also supply historical travel times between selected points. (col. 1, beginning at line 31.)

With respect to monitoring travel, Ran provides that the "point-to-point text report and alert 11" utilizes the "system architecture of an Internet-based personalized traffic prediction and trip decision support system 85" (Col. 21, lines 39-42). Ran further provides:

"Using the general traffic estimate and prediction data 81 generated by the traffic forecast server 6 as the basis, the Internet-based personalized traffic prediction and trip decision support system 85 produces personalized, point-to-point traffic prediction and routing recommendations. This system can be located in a central server or be located in a user device, such as in -vehicle computer, palm, or desktop."

(Col. 21, lines 42-49).

The traveller can then input his origin, current location, destination information, personalized profile and parameters, driver type and vehicle type, departure time or arrival time preference, and route selection criteria and preferences to the "personalized traffic prediction and trip decision support system 85" (Col. 21, lines 50-60). Then, a "final output for personalized traffic prediction and trip recommendations 811 can be generated . . . [where] [t]he final output also contains a summary of the historical statistics for the user, if the same route was used before" (Col. 21, lines 60-64). Ran, however, fails to teach, besides other things, a method of using a Personal Digital Assistant (PDA) to provide travel expenses for an expense report that includes monitoring travel by the PDA and recording track log data points in the PDA that represent the PDA travel.

The Examiner has asserted, however, that *"in Ran column 21 lines 60+, it is indicated that track log data points (travel data) are stored to create a historical statistic of the user's trip"* (emphasis in the Office Action). In addition, the Examiner asserted that "Ran provides a summary of historical statistical data of a trip taken by a user", and questions "[i]f no data of a trip was recorded in the Ran reference then how can the user, using his PDA and a password and identification to retrieve such recorded data for historical statistical analysis, obtain a history of a trip taken in the past by the user?" The Examiner goes not to assert that:

"[t]he historical data was data of a trip taken in the past by a particular user . . . of the Ran device. By the user having a history of a trip taken with his PDA, it implies that his PDA use was monitored as it travelled a certain distance logging travel data associated with a cost. The applicant has not responded to examiners comments with regard to *Ran column 21, lines 60+.*"

Applicant respectfully traverses this interpretation of Ran, and submits the following in response.

Applicant respectfully submits that the Ran document does not teach what is being asserted in the Office Action. Applicant respectfully points out that Ran recites that the "summary of the historical statistics" is "for the user," and not of the user. In other words, the "summary of the historical statistics" is for the benefit of the user with respect to their current personalised traffic prediction, and not of an actual tracked and recorded trip taken by the user. Applicant further submits that Ran supports this position. For example, "historical data 2" as discussed by Ran is derived from "historical and time-dependent databases 25 [that] are generated mainly based on the input of data collection organizations and government agencies 26, and are updated daily or weekly or monthly, depending on the data availability at different locations" (Col. 17, lines 48-63). Ran, however, fails to teach that the "historical data" and/or the "historical statistics" are derived from the user or any trip the user may have ever made.

Applicant further traverses the Examiner's assertion that "Ran also uses actual stored track log data points to associate a travel distance with a PDA expense report entry." In making this assertion, the Examiner pointed to Ran, col. 22, lines 4-49 as mentioning "collecting track log data points (current positions such as nodes, point to point, etc using GPS) to associate a travel distance with a PDA expense report entry. Here Ran also indicates that the data is continually updated on the go."

At column 22, lines 4-49, Ran recites that "[w]hile en-route 812, various location technologies, such as GPS, can be used to identify the current location 813 of the user. The current location information can be sent back to the personalized traffic prediction and trip decision support system 85." As discussed above, the "the personalized traffic prediction and trip decision support system 85" can "be located in a central server or be located in a user device, such as in -vehicle computer, palm, or desktop." (Col. 21, lines 40-49). Ran, however, fails to teach a method of using a PDA to provide travel expenses for an expense report that includes, besides other things, monitoring travel by the PDA, as recited in claim 1.

Furthermore, Ran fails to teach, besides other things, recording track log data points in the PDA that represent the PDA travel, as recited in claim 1. Contrary to the Examiner's assertion, Ran teaches that the "current location 813", identified by location technologies such as GPS, can simply be "sent back" to the "system 85." Ran fails to teach that the "current location 813" is stored as "track log data points" in the "system 85," as asserted by the Examiner. As Ran further indicates, "[i]f the user has selected all the personalized profiles and parameters before the trip [e.g., preferred devices, account number, and password to receive personalized predictive traffic information (col. 21, lines 54 - 57)] . . . the personalized traffic prediction and trip decision support system 85 re-compute[s] the updated traffic prediction and routing recommendations from the current location to destination" (col. 22, lines 9 - 15). Ran concludes by reciting that "[i]n this way, the en-route motorist can get updated personalized traffic prediction and recommendations on routing, arrival time, alternative destinations from current location to destination 814" (col. 22, lines 18 - 21).

The Examiner also indicated that:

"The applicant argues that Ran uses GPS to make personalized traffic predictions and trip decisions" and that "[i]n response the examiner does not understand the basis for the argument since Ran col. 22, lines 4+ obviously indicates that GPS is used to identify the current location of the user of the PDA. In addition, the current location is sent back to a personalized traffic prediction and trip decision system 85. It therefore can be clearly and unmistakably concluded here that the user of the PDA in the Ran device was being monitored as the user collected travel data using his PDA and sending back the collected travel to monitoring system 85 which will determine, during a future trip taken by that particular user, if that user had taken that trip before (col. 21, lines 60-64)."

Applicant respectfully traverses the conclusions drawn by the Examiner. First, Applicant submits that in Ran the user does not collect travel data using his PDA. Rather, Ran teaches that while en-route, various location technologies, such as GPS, can be used to identify the current location of the user (col. 22, lines 4-6). Ran fails to teach, however, that the "user collected travel data using his PDA." In addition, Applicant fails to find in Ran any teaching that the "the personalized traffic

prediction and trip decision support system 85" "monitors" and "determines, during a future trip taken by that particular user, if that user had taken that trip before." As discussed above, Ran fails to teach that the "historical data" and/or the "historical statistics" are derived from the user or any trip the user may have ever made. Rather, the "historical statistics" presented to the user if the same route was used before are based on the "historical data 2" (e.g., derived from "historical and time-dependent databases 25 [that] are generated mainly based on the input of data collection organizations and government agencies 26, and are updated daily or weekly or monthly, depending on the data availability at different locations" (Col. 17, lines 48-63)) and not based on any "collected track log data points" of the user.

Based on the foregoing, Applicant respectfully submits that Ran fails to teach using "actual stored track log data points to associate a travel distance with a PDA expense report entry", as asserted by the Examiner. In addition, Applicant respectfully submits that Ran fails to teach "collecting track log data points (current positions such as nodes, point to point, etc using GPS) to associate a travel distance with a PDA expense report entry" or "that the data is continually updated on the go", as asserted by the Examiner.

As each and every element of independent claim 1 is not taught in Ran, the 102 rejection should be withdrawn.

Reconsideration and withdrawal of the 102 rejection for the above independent claim, as well as those claims which depend therefrom, are respectfully requested.

Claim 15

Applicant amended claim 15 to more clearly recite the claimed subject matter. Insofar as the rejection applies to claim 15, as amended, Applicant respectfully traverses the rejection as follows.

The Examiner rejected independent claim 15 reciting, in part, that the Ran reference showed:

"monitoring travel of a PDA from the starting location (col.22, lines 22-66);

recording (col. 22, lines 9-15) a number of track log data points ...
that represent actual positions of the PDA from the monitored
travel of the PDA (figs. 6, 8-10)"

As discussed with respect to claim 1, the Ran reference does not teach monitoring the travel by a PDA or recording a number of track log data points in the PDA that represent actual positions of the PDA from the monitored travel by the PDA. Since claim 15 includes similar claim language with respect to the elements of monitoring and recording, the arguments of claim 1 are applicable to claim 15. Since, each and every element and limitation of the Applicant's independent claim 15 is not shown in the reference, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection for independent claim 15 and those claims that depend therefrom.

Claims 21 and 24

Applicant amended claim 21 to more clearly recite the claimed subject matter. Insofar as the rejection applies to claim 21, as amended, Applicant respectfully traverses the rejection as follows.

The Examiner rejected independent claim 21 reciting, in part, that the Ran reference showed:

. . . procedures for determining a travel distance include:
calculating a route between a starting location and an ending
location (col. 22, lines 4-15);
determining a distance along a track log (prediction out put 98)
between the starting location and the ending location (col. 22, lines
22-49); and
incrementing a counter to monitor a distance travelled (col. 22,
lines 42-49; fig. 9) from the starting location;

As stated above with respect to claims 1 and 15, the Ran reference does not record a track log as defined by Applicant because it does not track a user's device, but rather, uses generic data taken from a variety of sources to make a prediction. (See Ran col. 1, beginning at line 31.) Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claim 21 and the claims that depend therefrom.

The Examiner also rejected dependent claim 24 based upon the Ran reference. The Examiner notes (with respect to claim 24) that Ran references GPS at column 22, beginning at line 4. However, the Ran reference teaches only using GPS for the purpose of making personalized traffic predictions and trip decisions. Ran does not teach use of GPS as presently claimed in claim 24. Applicant respectfully requests the reconsideration and withdrawal of the rejection of claim 24 and the claims that depend therefrom.

Claim 38

Applicant amended claim 38 to more clearly recite the claimed subject matter. Insofar as the rejection applies to claim 38, as amended, Applicant respectfully traverses the rejection as follows.

The Examiner rejected independent claim 38 reciting, in part, that the Ran reference showed:

determining a travel distance (col. 24, lines 38-67) having business (airport) and non-business (walking to parking lot) segments based on navigational data (figs. 9-12, steps 97, 99; col. 22, lines 41-49, col. 24, lines 38-67); and
associating the travel distance of the business segments with a PDA expense report entry (figs. 9-12, steps 97, 99; col. 22, lines 41-49; col. 24, lines 38-67).

Applicant's amended claim 38 recites, in part,:

determining a travel distance with the PDA having business and non-business segments based on navigation data;

As discussed with respect to claim 1, the Ran reference does not teach determining travel with the PDA (e.g., since Ran does not teach monitoring travel by the PDA, Ran could not determine travel distance with the PDA). As such, the arguments of claim 1 are applicable to claim 38.

In addition, Ran fails to show that different types of data can be distinguished, such as in segments, within a travel distance. Nor does Ran show that a particular selected type of data can be sent to an expense report.

The Examiner also asserts that as for the "business" and "non-business" segments, "Ran figs. 9-12 anticipates the added limitations." Applicant respectfully

traverses. Figures 9-12 of Ran fail to teach determining a travel distance as having a business and a non-business segment based on navigational data. In other words, Applicant is unable to find any teaching in the cited figures that even teaches a "business segment" and a "non-business" segment, semantics aside. Applicant respectfully requests clarification as to which parts of Figures 9-12 the Examiner is relying on for the assertion.

As such, each and every element and limitation of the Applicant's independent claim 38 is not shown in the reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection for independent claim 38 and those claims that depend therefrom.

Claim 45

The Examiner rejected independent claim 45 reciting, in part, that the Ran reference showed:

- a routing capability;
- a position monitoring capability associated with the routing capability; and
- wherein the PDA includes an odometer interface page available on a display and which is operable for recording an expense report entry.

Ran appears to show a mileage prediction program that allows a user to choose a number of entry criteria such as time of day of travel, potential destination points, and aggressiveness of the driver, among others.

Applicant's claim 45 recites:

an odometer interface page available on a display and which is operable for recording an expense report entry.

The reference does not teach or discuss an odometer interface page, in fact, the term odometer is not mentioned in the application.

The Examiner also asserts that "Ran (figs 9-11) discloses an odometer page since odometer implies distance travelled. Since Ran discloses a page indicating distance travelled, Ran discloses an odometer page." Applicant respectfully traverses, and respectfully submits that Ran fails to teach an odometer page in Figs.

9-11. As for references to distance travelled in Figs. 9-11 of Ran, the mere fact that a distance has been travelled does not imply the use of an odometer or an odometer page. The fact remains, Ran fails to teach an odometer page.

Since, each and every element and limitation of the Applicant's independent claim 45 is not shown in the reference, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection for independent claim 45 and those claims that depend therefrom.

Claims 31-36

Claims 31-36 were rejected under 35 USC § 102(e) as being anticipated by Yamashita, et al. (U.S. Publication No. 2002/0052689). Applicant respectfully traverses the rejections as follows.

Claim 31, in part, recites:

- computer-executable instructions are operable to;
- monitor travel of the PDA;
- record track log data points that represent actual positions of the PDA from the monitored travel of the PDA;
- identify a travel distance from the recorded track log data points; and
- associate that travel distance with the expense report data.

The Examiner rejected independent claim 31 reciting that Yamashita taught all of the above elements. However, Yamashita appears to teach a route prediction device wherein routes are each given a cost (i.e., weighted against one another) and then compared to find the optimum possible route to be taken. As stated in paragraph 0064, beginning at line 7:

- a cost is a weight each assigned to links, indicating a time or a distance to be taken for the user's vehicle to pass through the corresponding road. The cost is used at the time of route search.

Yamashita does not provide any reporting of expenses or use the terms expense or report therein. Additionally, as stated above, the use of cost with respect to a route

is a weight applied to each link of a potential route in order to ascertain the optimum route, not the actual cost for the purpose of recording the expenses of taking a trip. As such, each and every element and limitation of the Applicant's independent claim 31 is not shown in Yamashita, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection for independent claim 31 and those claims that depend therefrom.

§103 Rejection of the Claims

Claim 30

Claim 30 was rejected under 35 USC § 103(a) as being unpatentable over Ran (U.S. Patent No. 6,317,686) in view of Obradovich, et al. (2002/0013815). Claim 30 is dependent upon claim 21 and accordingly is deemed allowable upon the basis discussed with respect to claim 21.

Claim 44

Claim 44 was rejected under 35 USC § 103(a) as being unpatentable over Ran (U.S. Patent No. 6,317,686) in view of DeLorme, et al. (5,948,040). Applicant amended claim 44 to more clearly recite the claimed subject matter. Insofar as the rejection applies to claim 44, as amended, Applicant respectfully traverses the rejection as follows.

The Examiner rejected independent claim 44 reciting, in part, that the Ran reference showed:

monitoring a travel distance of the PDA; and
associating a travel distance with an expense report entry on the PDA; and
entering a vendor to which the travel distance will be expensed, a travel-end location in association with the expense report entry.

Applicant's amended claim 44 recites, in part,:

monitoring a travel distance ~~[[of]]~~ with the PDA;

As discussed with respect to claim 1, the Ran reference does not teach monitoring travel with the PDA (e.g., since Ran does not teach monitoring travel by

the PDA, Ran could monitor travel with the PDA). As such, the arguments of claim 1 are applicable to claim 44.

Additionally, claim 44 includes:

entering a vendor to which the travel distance will be expensed, a travel end location, and one or more attendees travelling to the end location in association with the expense report entry.

The Ran reference does not teach the entering of a vendor, a travel end location, and attendees in association with an expense report entry. Since, each and every element and limitation of the Applicant's independent claim 44 is not taught or suggested in the references, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection for independent claim 44.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 659-9340.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 501-791. **Again, please direct all future correspondence regarding this case to: DEVON A. ROLF, ESQ., c/o GARMIN International, Inc., 1200 E. 151ST ST., OLATHE, KS 66062.**

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AF Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450, on this 13th day of February, 2004.

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